# The Mysore Gazette.

Vol. 43.] **PUBLISHED BY AUTHORITY.** [No. 1.

BANGALORE, THURSDAY, JANUARY 2, 1908.


## PART III.

### Legislative Measures and Rules thereunder.

*Notification No. Fl.* 3137—*B.* 48-07-10, *dated* 30*th December* 1907.

The following draft rules proposed to be issued under the Mysore Co-operative Societies Regulation, III of 1905, are published for general information. The draft will be taken up for consideration on or after the 1st day of February 1908.

All criticisms and suggestions received within this date will be duly considered.

By Order,
C. S. BALASUNDARAM IYER,
*Offg. Secy. to Govt., Gen. & Rev. Depts.*

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### RULES FOR MAKING LOANS FROM STATE FUNDS TO CO-OPERATIVE SOCIETIES IN THE MYSORE STATE.

Amount of advance.

1. (1) Loans from State Funds not exceeding Rs. 2,000 in any case may be made to any Co-operative Society at least one-half of the members whereof are agriculturists.

(2) The amount advanced to any society shall not exceed the paid-up share capital of the society.

Interest on advances.

2. All advances to a society shall be free of interest for the first two years and will afterwards, subject to Rule 8 (1), bear interest at 5 per cent per annum.

Instalments for repayment.

The advances shall be repayable in not more than three annual instalments commencing after the lapse of two years after the grant of the advance.

Application for an advance.

3. A society requiring an advance shall submit to the Registrar an application in Form A annexed to these rules.

4. The Registrar after satisfying himself as to the correctness of the statem made in the application, may sanction the payme advances from any treasury or sub-treasury, and may scribe the number of instalments of repayment and dates on which each instalment is to be repaid.

Power to sanction advances and prescribe instalments for repayment.

Provided that, without the special sanction of the Revenue Commissi no advance sanctioned by the Registrar shall exceed Rs. 250.

Order sanctioning advance.

5. (1) If the Registrar sanctions an advance, his sanc shall be conveyed in an order in Form B annexed to t rules.

(2) The Registrar shall send the original order to the society; a dupl copy to the Comptroller for issue of order of payment to the treasury concerned.

Payment of advance.

6. (1) Payment of any advance so sanctioned shall be made to the pe authorised to receive the advance on behalf of the Soc on their producing the Registrar's order at the trea named therein, and executing an agreement in duplicate in Form C annex these rules.

(2) When payment of an advance has been made, the original agreement be sent to the District Treasury for safe custody and the copy forwarded to Registrar.

Power to suspend repayment of instalment.

7. (1) The Registrar may, if sufficient cause is sh and if all interest due has been paid, suspend the re ment of any instalment.

(2) Whenever the Registrar makes an order of suspension, he shall forth send a copy thereof to the Deputy Commissioner of the district and to the Co troller.

(3) When an order of suspension is made in respect of any instalment, repayment of that instalment and of all subsequent instalments shall be postp for one instalment period.

Procedure where instalment not repaid on due date.

8. (1) If any instalment due from any society is not fully repaid on the date, interest at 6 per cent per annum to the date of re ment shall be recoverable on the amount overdue, u the Registrar by special order exempts the society this liability. Such orders are to be formally reported for the approval of Revenue Commissioner.

(2) The Deputy Commissioner to whom any instalments are repayable give prompt notice to the Registrar of any default in repayment of any instalme

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## FORM A.

*Application for an advance from the Government.*

1. We, the undersigned, being duly empowered in this behalf by *the Comm of* *.....Co-operative Society, Limited., for an advance of Rs.....(in words)..... .....from the Government, to be paid at .....Treasury.

*If the by-laws of the society do not empower the committee to borrow money on behalf of the society, these words should be deleted.

2. The amount of capital raised as shares, or as deposits received from bers, is Rs.....(in words).....

3. We request that the advance may b made repayable at the..... Tre in.....annual instalments, the date of payment in each year being

4. Particulars of the indebtedness of the society are as follows:—

(*a*) Due to members on account of deposits,.....rupees.

(*b*) The amount borrowed from other sources, and the interest payable on each amount borrowed are as under—

| Amount borrowed | From whom | Rate of interest | Condition as to repayment |
|---|---|---|---|
| | | | |

5. We attach hereto a copy of the resolution of the Committee / Society authorizing the taking of an advance from the Government and specifying the members of the Committee who may, in conjunction with the Secretary, receive the amount and enter into an agreement with the Government for its repayment.

Dated.....

Signature of Secretary .....

Signature of three members.....

To

The Registrar, Co-operative Societies.

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FORM B.

*Order sanctioning an advance by the Government.*

Registrar's No.....

1. Sanction is accorded to the payment of an advance of Rs..... (in words) from the.....Treasury to the undermentioned society subject to the following conditions as to repayment :—

Name of society.....

Registered address.....

Number of annual instalments of repayment.....

Date on which each instalment is to be recovered.....

2. The date on which the society was registered is the..... and the advance is free of interest for two years from that date.

3. The budget allotment for such advances in the year 190 is Rs..... The aggregate amount of advances hitherto sanctioned during the year is Rs.....

4. The persons recognized as authorized by the society to enter into an agreement for repayment of the advance are the Secretary and any three of the members of committee named below—

Name of Secretary.....

Names of members (1).....
(2).....
(3).....
(4).....

*Registrar, Co-operative Societies.*

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FORM C.

*Agreement to be executed on behalf of a Co-operative Society obtaining an advance from the Government.*

We, the undersigned, being duly empowered in this behalf by the *Committee of* * the.....Co-operative Society..... .....under the by-laws of the society, acknowledge to have received from the Government the sum of Rs.....as an advance to that society; and we undertake on behalf of the society to repay the said advance, with interest, in the following.....instalments, each instalment being payable on the date shown opposite thereto:—

*If the by-laws of the society do not empower the committee to borrow money on behalf of the societys, these words should be deleted.

| | Principal | Interest | Total | Date |
|---|---|---|---|---|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |

2. We further agree to pay interest at 6 per cent per annum on any instalment or portion of an instalment which is not paid on due date, such interest to run from due date to date of payment.

3. We declare that, since the application in Form A was submitted to the Registrar, the society's indebtedness either to members or to non-members, has not increased otherwise than by the accrual of interest on debts specified in the application.

*Date*.....

Signatures (1).....
(2).....
(3).....
(4).....

Witnesses' signatures (1).....
(2).....

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BANGALORE, THURSDAY, JANUARY 16, 1908.


## PART III.

### Legislative Measures and Rules thereunder.

### NOTIFICATION.

*No. 245—L. C. 9-07, dated 10th January 1908.*

A meeting of the Mysore Legislative Council will be held in the Public Office Buildings at Bangalore on Wednesday the 29th January 1908 at 3 P.M.

By Order,
K. MYLAR RAO,
*Secy., Mysore Legislative Council.*

# The Mysore Gazette.

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BANGALORE, THURSDAY, JANUARY 23, 1908.


## PART III.

### Legislative Measures and Rules thereunder.

NOTIFICATION.

*No. 278—L. C. 6-07, dated 21st January 1908.*

Under Rule 40 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying report of the Select Committee appointed for the consideration of the Police Bill and the Bill as amended by them, are published for general information.

By Order,
K. MYLAR RAO,
*Secy., Mysore Legislative Council.*

### Report of the Select Committee appointed for the consideration of the Police Bill.

We, the members of the Select Committee appointed for the consideration of the Police Bill, beg to submit the following report thereon. Owing to several causes, the Committee was unable to sit earlier, and had consequently to get the period for the submission of the report extended by about two months. We have now carefully considered the several provisions of the Bill in detail and also the several representations that were received. The principal amendments proposed and the reasons therefor are noted below.

*Clause 3, Sub-clause (i), (i).*—We are of opinion that the expression "subject to the provisions of the Village Offices Regulation," should be inserted between the words "provide" and "for" occurring herein, so as to subject the entertainment, appointment, etc., of the officers mentioned, to the provisions of the said regulation and not to interfere therewith.

In this connection we would recommend that printed books with counterfoils and pages consecutively numbered should be supplied to the patels for communicating their first information reports to the Police, one copy being retained by the patels and the other sent to the Station House Officer.

*Clause 4—Definitions.*—The word "vehicle" has been added in the definition of 'common gaming house,' so as to remove all doubts as to whether vehicles come under the definition or not; and meet gambling in carriages, etc., in transit.

A definition of the word "vehicle" has been added. It is the same as is contained in the Municipal Regulation but with a slight amendment so as to include conveyances used or capable of being used not only on a public street but also elsewhere, for instance on a railway line.

*Clause 9.*—The word 'and' is replaced by the words "or by," to make the meaning clear and to avoid any misapprehension that both the Deputy Commissioner and the District Superintendent should concur in making the appointment.

*Clause 11 (2) (a).*—This clause is transposed and inserted under clause 10 (2) which is its proper place. It is a little imperfect; for instance, it does not cover the case of an Inspector who ceases to be such, but may nevertheless continue to be a Police Officer, as when he is degraded, and his certificate should become null and void and should be surrendered by him. We have therefore added a new para under clause 10 (1) regarding the certificates of Inspectors. The corresponding provision in the Bombay Act provides for the previous service, if any, being entered in the certificate. We have thought it desirable to note in the certificate the length of the previous service, if any, and have accordingly amended the schedule prescribing the form of certificate by inserting an additional heading.

*Clause 12.*—The words "adviser of Government in all matters connected with the Police," are omitted, as they appear to be unnecessary and unusual.

*Clause 13.*—As the clause stands, unless and until any limitation is imposed by Government, the Inspector-General of Police may exercise all the powers of a First Class Magistrate. We are of opinion that the Inspector-General should not exercise such powers without being specially authorised by Government, and should do so only in such cases and in such manner as may be prescribed by Government. We have therefore amended the clause by adding the words "only in such cases and" after the words "exercise such powers."

*Clause 15, Sub-clause (2).*—We fully approve of the wisdom of the policy of Government enunciated in this sub-clause and are of opinion that it is conducive to the highest public good. We are glad to recognize in the recent act of Government an earnest of the policy of separating the executive from the judicial.

*Clause 17.*—The expression "any Magistrate in the neighbourhood" has been replaced by the words "the nearest Magistrate," the words used in the Madras Act, XXIV of 1859, and the expression "so many of the residents of the neighbourhood as may be required to act," has been qualified by "so many of the fit and capable male residents," in order to prevent indiscriminate impressment.

*Clause 22, Sub-clause (1).*—It seems to us that the period prescribed for the injured party to prefer an application under this clause for compensation, *viz.*, one month, is too short to meet all cases. We have accordingly extended it to three months and as a consequential change have omitted the expression "or such shorter period as may be prescribed."

*Clause 22, Sub-clause (2) (a) (ii).*—As the sub-clause stands, the declaration the Deputy Commissioner may make is with respect to the local area the inhabitants of which have caused or contributed to the holding of the unlawful assembly. But application for compensation may be made to the Deputy Commissioner not only by a person who has suffered injury from any act done in the prosecution of the common object of an unlawful assembly, but also from the misconduct of the inhabitants or any class or any section of them in any area referred to in section 21, and the Deputy Commissioner should therefore be empowered to declare the area in which the misconduct of the inhabitants has caused the injury. We have therefore

added the words "to such disturbed or dangerous state or" after the word "contributed."

*Clause 22, Sub-clause* (6).—What is intended by this sub-clause evidently is that a party who *has taken the amount awarded* by the Deputy Commissioner is precluded from seeking further relief in a Civil Court. But it does not prevent a party in whose favor an award is made but who does not take the amount on the ground of its being inadequate, from going to the Civil Court for redress. In order to avoid any possible ambiguity, the words "and received" are added after "granted."

*Clause 26, Sub-clause (3).*—The words "under sub-section (1)" are omitted as being unnecessary and as limiting the powers of the punishing authority to the cases mentioned therein, which do not cover all the cases in which a police officer may be punished.

*Clause 27, Sub-clause (2).*—This sub-clause is somewhat amplified and the right of appeal is affirmed beyond all doubt.

*Clause 28.*—The words "or Assistant Superintendent" are deleted, as the words "District Superintendent" have been defined to include an Assistant Superintendent.

*Clauses 33 and 34.*—The words "on conviction before a Magistrate" are inserted between the words "shall" and "be punished" in these clauses, so as to make the sense more complete.

*Clause 35.*—We are of opinion that this provision is unnecessary. The District Magistrate who has to move the Government generally in such cases can himself take action under Section 144, Criminal Procedure Code. The clause is therefore omitted.

*Old clause 36, Sub-clause (3).—New clause 35, Sub-clause (3).*—We consider that the period of fifteen days fixed for the rule to be in force is too short and have therefore extended it to thirty days.

*Old clause 38.—New clause 37.*—As the clause now stands, it is applicable only to villages and towns proper. We have reason to think that gambling prevails largely outside the towns and villages and by the side of public roads. The scope of the prohibition has therefore been extended by omitting the words "in any town or village" therefrom.

*Old clause 42, Sub-clause (2).—New clause 41, Sub-clause (2).*—As the clause stands, the inhabitants of the place where a festival, etc., are held, are liable to be taxed along with the pilgrims resorting thereto. It seems to us that it is inequitable to tax the inhabitants on such occasions as they already pay taxes in some shape or other. The *raison-d'etre* of special taxation in this connection is the influx of extra and fresh people as pilgrims. We understand that the practice hitherto has been to levy the tax on the outside visitors only. We have accordingly amended the clause so as to make the tax leviable only from the persons repairing to the place.

*Old clause 45.—New clause 44.*—We are of opinion that the power to issue licenses should be reserved in the hands of higher officers, such as Amildars and City Magistrates, and that from order granting or refusing licenses, appeals should lie in the first instance to the District Magistrate, and secondly to Government. We have accordingly added two new sub-clauses marked (1) and (2) and omitted in the original sub-clause (1) (*a*) new sub-clause (3) (*a*) the words "and issue licenses therefor."

*Old clause 46, Sub-clause 4.—New clause 45, Sub-clause 4.*—We consider that such a provision as is made herein, should not find a place in the Regulation, but should be left to be provided for by rules and have therefore omitted it.

*Old clause 55, Sub-clause (k)—New clause 54, Sub-clause (k).*—The words "knowingly or" are inserted before "negligently" in this sub-clause, as these words are found in the corresponding provision in the Indian Penal Code, Section 289. We have also inserted the words "in any street" between the words "animal"

and "to attack," because the provision as it stands, is needlessly rigorous and may render it an offence to suffer a ferocious dog to be at large even within an enclosed compound, during nights, to guard against thieves and trespassers.

*Old clause 63.—New clause 62.*—This clause shows how instruments of gaming may be disposed of but not how moneys and securities for money found in a common gaming house and seized under clause 38 of the original bill—new clause 37—may be disposed of. We have therefore inserted the words "moneys, securities for money" after the word "all."

*Old clause 76.—New clause 75.*—We are of opinion that rewards granted by officers of Government and by private persons should also be brought under the operation of this section and have accordingly amended the clause.

*Old clause 77.—New clause 76.*—This clause is omitted as sufficient provision has been made in the Municipal Regulation for exempting Police Stations, etc., from payment of taxes and in case any further exemption is required in respect of police buildings intended for the occupation of the members of the Police Force, the necessary provision therefor should be left to be made by subsidiary rules.

*Old clause 78, Sub-clause 3.—New clause 76, Sub-clause 3.*—The period of one month is considered too short and is therefore extended to two months.

*Old clause 78, Sub-clause 4.—New clause 76, Sub-clause 4.*—The period of imprisonment fixed is quite disproportionate to the fine which may be imposed for the breach of the rules as an alternative punishment. We have therefore reduced it to eight days.

*Old clause 81* (4).—*New clause 79* (4).—This is omitted as sufficient provision to the same effect already exists in the Civil Procedure Code.

The other amendments are unimportant or are consequential to those already mentioned.

We recommend that the Bill as amended by us may be passed into law.

BANGALORE,
*21st January 1908.*

V. N. NARASIMMIYENGAR,
*Chairman.*
M. C. RANGIENGAR.
B. NAGAPPA.
K. P. PUTTANNA CHETTY.